

**JUSTICE COURT STANDARDS**  
**FOR CERTIFICATION**  
**OF NEW COURTS**

**2005**

**OPERATIONAL STANDARDS**

The following minimum requirements for the creation of a Justice Court reflect both statutory requirements and requirements which have been adopted by the Judicial Council pursuant to statute. Classification for new Courts will be based upon anticipated filings (i.e. the average number of cases per month which would have been filed in the proposed Court had the Court been in operation during the most recent calendar year).

The classification of a Court is determined at creation and is subject to review and possible reclassification whenever the Court is recertified. While the standards for some areas of court operation are uniform for all classifications of Justice Court, other standards are developed on a continuum, reflecting the difference in the time needed to competently manage caseloads at different levels.

Waiver or extension of any requirement promulgated by the Judicial Council may be obtained at the discretion of the Judicial Council based upon the need for a Court. Considerations for waiver or extension will be made on a case by case basis in consideration of, among other things, public convenience and proximity to other courts.

**CLASS I**

**MINIMUM REQUIREMENTS** [Note that the following are **minimum** requirements. In order to adequately function as a Class I Court it may be necessary for your court to exceed the minimum requirements.]

**- FILINGS:**

501 or more citations or cases filed per month

**- HOURS:**

Court Open	Full Time
Judge	Full Time

**- FACILITY:**

Dedicated Courtroom (with juror deliberation room)  
Judge's Chambers  
Clerk Office  
Co-located in the same facility  
(Meet the Master Plan Guidelines adopted by the Judicial Council)

**- CLERICAL RESOURCES:**

At least three full time clerks

**- PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

**- INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

**- LEGAL RESOURCES:**

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78-5-109.

**- LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

**- BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

**- SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

**- JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

**- EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training  
- at least 30 hours per year.

**- PROXIMITY TO EXISTING COURTS:**

Proposed court location is at least 25 miles from the location of the court which is currently hearing actions which would be filed in the new court.

**- REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

**CLASS II**

**MINIMUM REQUIREMENTS** [Note that the following are **minimum** requirements. In order to adequately function as a Class II Court it may be necessary for your court to exceed the minimum requirements.]

**- FILINGS:**

201 to 500 citations or cases a month.

**- HOURS:**

Court Open

201-300 filings	At least 4 hours per day
301-400 filings	At least 5 hours per day
401-500 filings	At least 6 hours per day

Judge available when needed. Trial calendar set at least weekly.

**- FACILITY:**

Courtroom (configuration is permanent but may be shared)  
Judge's Office  
Clerk Office  
(Courtroom and office must be co-located in the same building)

**- CLERICAL RESOURCES:**

201-275 filings	At least one full time clerk
276-350 filings	1.5 FTEs
351-425 filings	2.0 FTEs
426-500 filings	2.5 FTEs

**- PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

**- INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

**- LEGAL RESOURCES:**

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78-5-109

**- LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

**- BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

**- SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

**- JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

**- EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training  
- at least 30 hours per year.

**- PROXIMITY TO EXISTING COURTS:**

Proposed court location is at least 25 miles from the location of the court which is currently hearing actions which would be filed in the new court.

**- REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

**CLASS III**

**MINIMUM REQUIREMENTS** [Note that the following are **minimum** requirements. In order to adequately function as a Class III Court it may be necessary for your court to exceed the minimum requirements.]

**- FILINGS:**

61-200 citations or cases per month

**- HOURS:**

Court Open

61-150 filings

At least 2 hours a day

151-200 filings

At least 3 hours a day

Judge available as needed. Trial calendar set at least every other week.

**- FACILITY:**

Courtroom (access to public facility for trials, arraignments, etc.)

Judge's /clerk office (Meets minimum requirements)

**- CLERICAL RESOURCES:**

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

**- PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

**- INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

**- LEGAL RESOURCES:**

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78-5-109

**- LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

**- BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

**- SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

**- JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

**- EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training.

**- PROXIMITY TO EXISTING COURTS:**

Proposed court location is at least 25 miles from the location of the court which is currently hearing actions which would be filed in the new court.

**- REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

**CLASS IV**

**MINIMUM REQUIREMENTS** [Note that the following are **minimum** requirements. In order to adequately function as a Class IV Court it may be necessary for your court to exceed the minimum requirements.]

**- FILINGS:**

0-60 citations and/or cases per month

**- HOURS:**

Court open at least one hour per day. Judge available as needed and trial calendar set at least monthly.

**- FACILITY:**

Courtroom (access to public facility for trials, arraignments, etc. )  
Judge's/clerk office (can be a shared resource but court has priority when needed.)  
(Meets minimum requirements)

**- CLERICAL RESOURCES:**

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions.

**- PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

**- INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

**- LEGAL RESOURCES:**

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78-5-109

**- LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

**- BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

**- SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule3-414.

**- JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

**- EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training.

**- PROXIMITY TO EXISTING COURTS:**

Proposed court location is at least 25 miles from the location of the court which is currently hearing actions which would be filed in the new court.

**- REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.



**JUSTICE COURT STANDARDS**  
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**INSTRUCTIONS TO APPLICANT FOR CERTIFICATION**

As part of the application process, each entity should carefully review all requirements for the creation and operation of Justice Courts. In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operations of the Court, the governing body of each entity must request a written opinion from its attorney advising the entity of all requirements for the creation and operation of a Justice Court, and the feasibility of maintaining a Justice Court. In addition, prior to submission of this application, each entity must duly pass a resolution requesting certification. The resolution must affirm that the entity is willing to meet all requirements for the creation and operation of the Court during the period of certification. **A copy of the attorney's opinion and the resolution must accompany the application.** A representative of the entity may appear before the Justice Court Standards Committee to present the application and may present any additional information which the applicant desires to present to the Justice Court Standards Committee. In the event that additional information is deemed necessary, the Committee may request such additional information from the applicant. Certification will certify the court to process all cases which come within the jurisdiction of the court over both criminal and small claims cases pursuant to Section 78-5-104.

Statutes of the State of Utah require that certain standards be met in the operation of a Justice Court. These statutory requirements include:

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (78-5-108).
2. Each court shall be open and judicial business shall be transacted every day as provided by law (78-5-108), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (78-5-108).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78-5-108).
5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78-5-128 and 78-5-110).

6. The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (78-5-127).

7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78-5-110).

8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (78-5-111).

9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78-5-111).

10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78-5-111).

11. Witnesses and jury fees as required by law shall be paid by the entity which creates the Court (78-5-112).

12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (78-5-135 and 78-5-126).

13. Every entity creating a court shall pay the judge of that court a fixed compensation (78-5-128).

14. Court shall be held within the jurisdiction of the court, except as provided by law (78-5-107).

15. The entity creating the court shall provide and keep current for the court a copy of the Motor Vehicle Laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances, and other necessary legal reference material (78-5-109).

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council (78-5-130).

In addition to those requirements which are directly imposed by statute, Section 78-5-139 directs the Judicial Council to promulgate minimum requirements for the creation and certification of Justice Courts. Pursuant to statute, the Judicial Council has adopted the following minimum requirements:

- 1) That the Court be open for at least one hour each day that the court is required to be open. The hours for larger courts are specified in C.J.A. Rule 9-105.
- 2) That the judge be available to attend court and conduct court business as needed.

- 3) That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public. (A suggested courtroom configuration is attached).
- 4) A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.
- 5) Office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.
- 6) A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.
- 7) The entity must have at least one peace officer (which may be contracted).
- 8) A court security plan must be submitted consistent with C.J.A. Rule 3-414.
- 9) In the case of a new court, the proposed court must be at least 25 miles from the location of the Court which is currently hearing the majority of the cases which will be filed in the new Court, unless one of the statutory exceptions apply.
- 10) Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety.
- 11) Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in number 10 above.

In establishing minimum requirements, the Judicial Council has determined that Justice Courts with higher case filings require greater support services. To accommodate the great differences in judicial activity between Justice Courts within the state, the Council has divided

courts into four classes based upon the average monthly cases filed for that court. In the case of a new court the classification is based upon anticipated case filings. Minimum standards have been set for each classification. Courts which have an average of less than 61 cases filed each month are classified as Class IV Courts. The minimum requirements for a Class IV Court are stated above. (These requirements are also attached as Class IV minimum requirements). These requirements include both the statutory requirements and requirements promulgated by the Judicial Council, and are sometimes hereinafter referred to as "base requirements."

Courts which have an average of more than 60 but less than 201 cases filed each month are classified as Class III Courts. In addition to the base requirements, a Class III Court must be open more hours each week (see attached Class III minimum requirements), and court must be scheduled at least every other week. Courts which have an average of more than 200 but less than 501 cases filed each month are classified as Class II Courts. In addition to the base requirements, Class II Courts are required to be open additional hours (see attached Class II minimum requirements), the courtroom configuration is required to be permanent (although the courtroom may be used by another entity when the court is not in session), court must be scheduled at least weekly, the judge must be provided an appropriate office (chambers) for his own use, clerical space may not be shared, at least one full-time clerk must be provided (see attached Class II minimum requirements), and the courtroom, judge's chamber and clerk's office must be in the same building. Courts which have an average monthly filing of more than 500 cases are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three clerks, it must be open during regular business hours, it must have a courtroom which is dedicated for the exclusive use as a court and which meets the master plan guideline adopted by the Judicial Council, and the judge's chambers and clerk's office cannot be shared by another entity.

The State Legislature has provided that any entity that meets the requirements for its class may create a Justice Court. Any Justice Court which continues to meet the minimum requirement for its Class is entitled to be recertified. However, the Judicial Council also has authority to waive any minimum requirement which has not been specifically imposed by the Legislature (i.e. the requirements which have been adopted by the Judicial Council pursuant to Section 78-5- 139). Waiver is at the discretion of the Judicial Council and will be based upon a demonstrated need for a court to conduct judicial business and upon public convenience. Any waiver will be for the entire term of the certification. A waiver must be obtained through the Judicial Council each time a court is recertified and, the fact that a waiver has been previously granted will not be determinative on the issue of waiver for any successive application.

There is a great diversity in the needs of the Justice Courts. The needs of a particular Court are affected by the type of cases filed (some courts have a high percentage of traffic matters, while others handle significant numbers of criminal and small claims matters), the location of the Court, the number of law enforcement agencies served, the policies and procedures followed by each judge with respect to the operation of the Court, and many other factors. Clerical resources and judicial time are particularly sensitive to local conditions.

In order to adequately function, it is anticipated that some courts will exceed minimum requirements for clerical resources and judicial time. Similarly the particular circumstances of a Court may allow it to operate efficiently with less than the minimum requirements in the above areas, and in such circumstances waiver may be requested.

The statute also provides that the Judicial Council may grant an extension of time for any requirement which is not specifically required by statute. An extension may be granted at the discretion of the Judicial Council where individual circumstances temporarily prevent the entity from meeting a minimum requirement. An extension will be for a specific period of time and the certification of the court will terminate at the end of the extension period. In order for the court to continue to operate beyond the extension period, the court must be certified as meeting all requirements, obtain an additional extension, or obtain a waiver as provided above.

Future applications for recertification shall be accompanied by a certificate of the judge, on a form approved by the Judicial Council, certifying that the operational standards for the court have been met during the prior year. Any exceptions to compliance with the minimum requirements or operational standards shall be noted on the above form. After certification, individual Justice Court Judges must meet with the governing body of the entity which created the court at least once a year to review the budget of the court, review compliance with the requirements and operational standards of the court, and discuss other items of common concern and shall certify that this meeting has been held, and that the operational standards for the court have been met during the prior year.

Upon submission of an application, the Justice Court Standards Committee will conduct an appropriate independent investigation and notify the entity of its initial recommendations, whether in favor or against certification. If the Committee intends to recommend against certification, it shall specify the minimum requirements which have not been met. The entity may then present additional information to the Committee, request an extension, or request a waiver. After making an appropriate investigation based upon any additional information or request made by the entity, the Committee will then submit its recommendations to the Judicial Council. The recommendations shall specify whether or not a waiver or extension should be granted, if either has been requested. If the recommendation is against recertification, or against waiver, or against extension, the entity may request that it be allowed to make an appearance before the Judicial Council. Any request to appear before the Judicial Council must be filed within 15 days of notification of the Committee's recommendations.

Upon approval of an application to create a new court, the Judicial Council will issue a preliminary certification. After receiving the preliminary certificate, the entity creating the court shall proceed to take all action necessary for the court to begin its operation. When the entity has taken all steps necessary for the court to begin operation in compliance with the applicable minimum standards, it shall notify the Judicial Council in writing and a final certification shall issue. The court shall not begin to operate until the final certification is issued.

If you have any questions concerning this application, please contact Richard Schwermer, staff to the Justice Court Standards Committee at P. O. Box 140241, Salt Lake City, Utah 84114-0241, telephone: 578-3816.

## **MINIMUM COURTROOM/ OFFICE STANDARDS**

(Under certain circumstances, courtrooms may be in shared facilities and the judicial configuration set up when needed for trial or arraignments.)

### **Model Courtroom Diagram**

(This is a suggested model. Local variations will be allowed.)

The judge's table/desk shall be set on risers when the facilities allow. This provision may be waived if facility cannot accommodate the storage or placement of risers.

Prosecution and defense tables shall be separated.

A room shall be available for juror deliberation or victim/witness waiting.

The following shall be supplied;

- a. a robe
- b. a gavel
- c. Utah Code
- d. Bail Schedule
- e. necessary forms and office supplies.
- f. court seal

## **JUDGE'S/CLERK'S OFFICE**

The following shall be available to the judge;

- a. a desk
- b. a secure file
- c. a telephone
- d. office supplies

The following shall be available to the clerk;

- a. a desk
- b. file cabinet with secure file
- c. telephone
- d. office supplies
- e. cash register/secure cash box
- f. typewriter or word processor
- g. access to a copy machine
- h. computer and internet access

## APPLICATION FOR NEW JUSTICE COURT

Name of Entity: \_\_\_\_\_

Proposed Court Location: \_\_\_\_\_

\_\_\_\_\_

Anticipated Level of the Court (Circle one):

I    II    III    IV

Anticipated average case filings per month: \_\_\_\_\_

Please attach a map which shows the boundaries of the proposed Court's jurisdiction. (The map should also show all Courts which are located within 25 miles of the location of the Court).

State the population within the jurisdiction of the proposed court according to the most recent figures. \_\_\_\_\_

List all law enforcement agencies which will be regularly involved in law enforcement within the jurisdiction of the proposed court.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If the applicant has a law enforcement department, state the number of sworn law enforcement officers within the department.

\_\_\_\_\_

If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services to the proposed Court.

\_\_\_\_\_

\_\_\_\_\_



List all existing Justice Court locations within 25 miles of the proposed Court:

<u>Name of Existing Court</u>	<u>Address</u>	<u>Miles from Location of Proposed Court</u>
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For each Court listed above, list the average number of cases filed each month during the most recent calendar year which would have been filed in the proposed Court, had the proposed Court been in operation.


If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the time requested. For each requested waiver, please indicate whether or not this application is conditioned upon receiving a waiver. Remember, those items which are statutory are **not waivable** (Numbers 1-16).


I am familiar with the minimum operational standards for a Justice Court. Enclosed please find a written opinion from our attorney \_\_\_\_\_, advising the undersigned entity of all requirements for the creation and operation of a Justice Court, and the feasibility of this entity maintaining a Justice Court. Also, please find enclosed a resolution requesting certification for a new Court which resolution affirms that the undersigned entity is willing to meet all requirements for certification (except when the application is conditioned upon receiving a waiver) during the initial term of the proposed Court.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
Title

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
Residing at: \_\_\_\_\_

Commission Expires:

\_\_\_\_\_

**NOTE:** Please find attached the Application for Certification. After a Court is approved and before the Court begins to operate, it will be necessary for the governing body of the entity which has requested certification to fill out the application and forward it to the Justice Court Standards Committee.

**COURT CERTIFICATION AFFIDAVIT**

Proposed Court Location: \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Level of Court (Circle one): I II III IV

Case Filings Per Month: \_\_\_\_\_

Daily Court Hours: \_\_\_\_\_

Number of Full-time Clerks: \_\_\_\_\_

# Hours Worked Per Week Per Clerk: \_\_\_\_\_

Number of Part-time Clerks: \_\_\_\_\_

# Hours Worked Per Week Per Clerk: \_\_\_\_\_

This form is divided into two parts. Section I contains those requirements that are statutory and are not waivable. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the instructions to applicant included with the application for certification.

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Comes now \_\_\_\_\_,

for \_\_\_\_\_

\_\_\_\_\_ and,

except as specifically noted below, certifies as follows:

## SECTION I

**THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED.  
CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.**

Please indicate **YES OR NO** to each of the following:

1. Arrangements have been made so that all official court business will be conducted in a public facility. \_\_\_\_\_
2. Court will be open daily. \_\_\_\_\_
3. The hours of court operation will be posted conspicuously. \_\_\_\_\_
4. The judge and the clerk will be required to attend court at regularly scheduled times based on the level of the court. \_\_\_\_\_
5. The judge will be compensated at a fixed rate. \_\_\_\_\_
6. The responsible governmental entity will provide and compensate sufficient clerical personnel necessary to conduct the business of the court. \_\_\_\_\_
7. This entity will assume the expenses of the travel of the judge for purposes of required judicial education. \_\_\_\_\_
8. This entity will assume the expenses of the travel of the clerk for the purposes of attending training sessions conducted by the Judicial Council. \_\_\_\_\_
9. The responsible governmental entity will provide the Court with:
  - a. Sufficient prosecutorial support \_\_\_\_\_
  - b. Funding for attorneys for indigent defendants, as appropriate \_\_\_\_\_
  - c. Sufficient local law enforcement officers to attend court as provided by statute \_\_\_\_\_
  - d. Security for the court as provided by statute \_\_\_\_\_
  - e. Witness and juror fees \_\_\_\_\_

- f. A current copy of the motor vehicle laws of the state of Utah, appropriate copies of the Utah Code, the Justice Court manual, state laws affecting local governments, local ordinances and other necessary legal reference materials \_\_\_\_\_
- 10. Procedures have been adopted to insure that fines, surcharges and assessments which are payable to the state will be forwarded as required by law. \_\_\_\_\_
- 11. Court will be held within the jurisdiction of the court, except as provided by law (78-5-107).  
\_\_\_\_\_

## SECTION II

**Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the instructions to applicant included with this application for recertification.**

Please indicate **YES OR NO** to each of the following:

1. Arrangements have been made so that court will be open for at least one hour each day, or more as appropriate for the classification of the court. \_\_\_\_\_
2. Arrangements have been made so that the judge will be available to attend court and to conduct court business as needed. \_\_\_\_\_
3. Minimum furnishings in the courtroom have been provided, including:
  - a. Desk and chair for the judge \_\_\_\_\_
  - b. A six inch riser \_\_\_\_\_
  - c. Desk and chair for the Court Clerk \_\_\_\_\_
  - d. Chairs for witnesses \_\_\_\_\_
  - e. Separate tables and appropriate chairs for plaintiffs and defendants \_\_\_\_\_
  - f. A Utah State flag \_\_\_\_\_
  - g. A United States flag \_\_\_\_\_
  - h. A separate area and chairs for at least four jurors \_\_\_\_\_
  - i. A separate area with appropriate seating for the public \_\_\_\_\_
  - j. An appropriate room for jury deliberations \_\_\_\_\_
  - k. An appropriate area or room for victims and witnesses which is separate from the public \_\_\_\_\_
  - l. A judicial robe \_\_\_\_\_
  - m. A gavel \_\_\_\_\_
  - n. Current bail schedules \_\_\_\_\_

- o. A copy of the Code of Judicial Administration \_\_\_\_\_
  - p. Necessary forms and supplies \_\_\_\_\_
  - q. Office space for the judge \_\_\_\_\_
  - r. Office space for the court clerk \_\_\_\_\_
  - s. Secure filing cabinets \_\_\_\_\_
  - t. Appropriate office supplies \_\_\_\_\_
  - u. A cash register or secured cash box \_\_\_\_\_
  - v. A typewriter or word processor \_\_\_\_\_
  - w. Access to a copy machine \_\_\_\_\_
4. The appropriate number of clerks will be provided as determined by the approved classification of the court, and a clerk will be provided as needed during the time court is open each day during court sessions. \_\_\_\_\_
5. The court has the ability to electronically report to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. \_\_\_\_\_
6. A court security plan will be submitted consistent with C.J.A. Rule 3-414. \_\_\_\_\_
7. I am familiar with the minimum operational standards for this court, and except as noted below, those standards are currently in place and available to the court. \_\_\_\_\_

Any exceptions to the above are specifically set forth as follows:

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DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
Title

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

Residing at: \_\_\_\_\_

Commission Expires:

\_\_\_\_\_